

OFFICIAL WARNING



VIOLATION OF FEDERAL REGULATIONS

CASE NO.

TN11031

VIOLATOR

**Customer # 22600
Certificate # 63-B-0146
Gilberto Perez
Smoky Mountain Bird Shop**

ADDRESS (Street, City, State, Zip Code)

**1436 Winfield Dunn Pkwy #7
Sevierville, TN 37876**

The Department of Agriculture has evidence that on or about **November 3, 2010 - March 4, 2011 - May 16, 2011 - July 19, 2011** you or your organization committed the following violation of Federal Regulations:

9 CFR, SECTION

Failure to

2.126 (a)

- During business hours, allow APHIS officials to enter its place of business. To examine records required to be kept by the Act and the regulations.

(Acquisition/disposition records for non-pocket mammals, 2 kittens and 2 puppies and the written program of veterinary care were not available for review.)

2.75 (a)(1)(vii)

- Keep and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control. A description of each dog or cat which shall include: The species and breed or type, sex, date of birth or approximate age and color and any distinctive markings.

(**Acquisition records for 3 german shepherd mix puppies only included the date of birth.

**No acquisition records available for two kittens and 4 puppies.)

3.33

- Place animals housed in the same primary enclosure in compatible groups.

(**One dwarf hamster housed with 6 other dwarf hamsters had fresh bite wounds on its head and left ear.

**One white male hamster housed with a black female hamster had numerous sores/bite wounds as 1/4 inch roundish areas of hairloss and redness on its dorsal hindquarters.)

3.56 (d)

- Establish and maintain an effective program for control of insects, ectoparasites, and avian and mammalian.

(**Mouse droppings were observed on carpeted floor beside animal cages.)

9 CFR, SECTION

Failure to

3.6 (b)(1)(ii)(A)

- Provide minimum vertical and floor space for each cat, including weaned kittens, that is housed in any primary enclosure. Cat primary enclosures must be at least 24 inches high.

(Two weaned bengal kittens are housed in an enclosure 19.5 inch high.)

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS Official.

APHIS OFFICIAL (Name and Title)

Elizabeth Goldentyer, DVM

Regional Director

DATE ISSUED

4/17/12

OFFICE ADDRESS:

920 Main Campus Dr., Suite 200

Raleigh, NC 27606

TELEPHONE NO. AC (919) 855-7100

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO:

7011 1150 0002 0711 6920

APHIS FORM 7060

Previous editions may be used

(JUN 91) PART 1 - VIOLATOR